

REED SMITH LLP A limited liability partnership formed in the State of Delaware	1 2 3 4 5 6 7 8	Jayne E. Fleming (SBN 209026) James M. Wood (SBN 58679) Ray Cardozo (SBN 173263) Amy Lifson-Leu (SBN 260062) Katie B. Annand (SBN 260343) REED SMITH LLP 101 Second Street, Suite 1800 San Francisco, CA 94105-3659 Telephone: +1 415 543 8700 Facsimile: +1 415 391 8269 Attorneys for DORA BAIRES, individually, and on behalf the estate of JUAN CARLOS BAIRES; and Teofilo MIRANDA, an individual.	
	9	UNITED STATES	DISTRICT COURT
	10	NORTHERN DISTRICT OF CALIFORNIA	
	11	DORA BAIRES, et al.,	No.: C 09-05171 CRB
	12	Plaintiffs,	STIPULATION AND FROT USED
	13	VS.	ORDER TO CONTINUE HEARING ON FEDERAL DEFENDANTS' MOTIONS
	14	THE UNITED STATES OF AMERICA; et al.,	TO DISMISS SECOND AMENDED COMPLAINT
	15	Defendants.	
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No. C 09-05171 CRB

STIPULATION AND [PROPOSED] ORDER

Plaintiffs Dora Baires and Teofilo Miranda ("Plaintiffs"); Defendants United States of America, the Department of Homeland Security, United States Immigration and Customs Enforcement, the Division of Immigration Health Services, the Office of Enforcement and Removal Operations (formerly known as the Office of Detention and Removal Operations), James T. Hayes, John P. Torres, Nancy Alcantar, Timothy Aitken and Brian Myrick ("Federal Defendants"); and Defendants the County of Kern, Kern County Sheriff's Department, Kern Medical Center, Lerdo Detention Facility, Donald Youngblood, and Khosrow Mostofi, M.D., ("Kern County Defendants") ("Federal Defendants" and "Kern County Defendants" collectively herein "Defendants"), through their respective counsel of record, hereby agree and stipulate as follows:

- 1. Whereas, Plaintiffs filed their original complaint in this Action on October 30, 2009, and their First Amended Complaint on May 4, 2010.
- 2. Whereas, Plaintiffs filed their Second Amended Complaint on November 5, 2010 ("SAC").
- 3. Whereas, on January 4, 2011, the Federal Defendants filed the Individual Federal Defendants' Notice of Motion and Motion to Dismiss Plaintiffs' Second Amended Complaint Or, in the Alternative, for Summary Judgment ("Individual Federal Defendants' Motion").
- 4. Whereas, on January 4, 2011, the Federal Defendants filed the United States' Notice of Motion and Motion to Dismiss Plaintiffs' Second Amended Complaint or, in the Alternative, for Summary Judgment ("USA's Motion") ("Individual Federal Defendants' Motion" and "USA's Motion" collectively for purposes of this Stipulation only "Motions to Dismiss").
- 5. Whereas, the Federal Defendants anticipate filing amended motions to dismiss the SAC. The Federal Defendants agree to file any amended motions on or before January 21, 2011.
- 6. Whereas, due to counsels' schedules, the parties wish to continue the hearing on the Motions to Dismiss to March 11, 2011.
- 7. Whereas, Plaintiffs' Opposition to the Motions to Dismiss would thus be due on February 18, 2011, and the Federal Defendants' Reply would be due on February 25, 2011.

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8. Whereas, the Kern County Defendants, the Federal Defendants, and Plaintiffs do not 1 oppose the continuance of the hearing. 2 3 IT IS HEREBY STIPULATED AND AGREED, by and between the parties through their respective counsel of record that: 4 The hearing on the Federal Defendants' Motions to Dismiss is continued to March 11, 5 2011, and any amended motions to dismiss the SAC by the Federal Defendants will be filed on or 6 7 before January 21, 2011. 8 IT IS SO STIPULATED 9 DATED: January 12, 2011. 10 A limited liability partnership formed in the State of Delaware 11 By 12 13 14 DATED: January 12, 2011. 15 16 By 17 18 19 DATED: January 12, 2011 20 THERESA A GOLDNER, COUNTY COUNSEL 21 22 By_ Marshall S. Fontes, Deputy County Counsel 23 Attorneys for Kern County Defendants 24 25 26 27 28

REED SMITH LLP /s/ Katie B. Annand Katie B. Annand Attorneys for Plaintiffs MELINDA HAAG, UNITED STATES ATTORNEY /s/ Abraham A. Simmons Abraham A. Simmons Assistant United States Attorney Attorneys for Federal Defendants

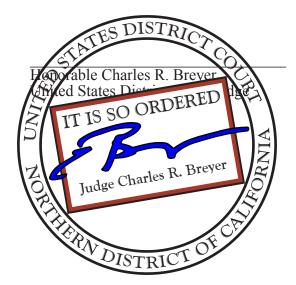
/s/ Marshall S. Fontes

REED SMITH LLP

[PROPOSED] ORDER

IT IS HEREBY ORDERED, upon the consent of the parties, that the hearing on the Federal Defendants' Motions to Dismiss is continued to March 11, 2011, and any amended motions to dismiss the Second Amended Complaint by the Federal Defendants will be filed on or before January 21, 2011.

DATED January 18, 2011.



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